

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

MASSACHUSETTS MUTUAL LIFE  
INSURANCE COMPANY,

Plaintiff,

No. 3:11-cv-30285-MAP

v.

MERRILL LYNCH, PIERCE, FENNER &  
SMITH, INC., *et al.*,

Defendants.

**AMENDED JOINT MOTION FOR APPROVAL OF STIPULATION AND [PROPOSED]  
ORDER MODIFYING THE JUNE 27, 2012 SCHEDULING ORDER**

This matter comes before the Court by Stipulation of Plaintiff Massachusetts Mutual Life Insurance Company ("MassMutual") and Defendants in the above-captioned action (collectively, "Defendants") seeking an Order modifying the June 27, 2012 Scheduling Order.

In support of this Stipulation, the parties state as follows:

1. MassMutual has filed 11 actions, including this action (collectively, the "Actions"), in the United States District Court for the District of Massachusetts asserting claims under the Massachusetts Uniform Securities Act based on its purchases of residential mortgage-backed securities.

2. All Actions have been referred to Magistrate Judge Neiman for pretrial proceedings, with the exception of this action and the action captioned *Massachusetts Mutual Life Insurance Co. v. Countrywide Financial Corp.*, No. 11-30215 (D. Mass.) (the "215 Action"), from both of which Magistrate Judge Neiman has recused himself.

ALLOWED. See order.

Michael Q. Powers USDJ  
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147

3. On May 30, 2012, MassMutual and Defendants appeared before the Court for a pretrial scheduling conference pursuant to Rule 16 of the Federal Rules of Civil Procedure. The Court entered a Scheduling Order on June 27, 2012. (Dkt. No. 60.)

4. On January 31, 2013, MassMutual and Defendants filed a Joint Motion for Approval of Stipulation and [Proposed] Order Modifying the June 27, 2012 Scheduling Order (the "Joint Motion"). (Dkt. No. 128.) Among other things, MassMutual and Defendants stipulated that, subject to the Court's approval, a joint proposal for deposition discovery would be filed by May 3, 2013. (*See id.*) The Court has not ruled upon the Joint Motion.

5. MassMutual and defendants in the 11 Actions, including Defendants here, have been meeting and conferring regarding a joint proposal for deposition discovery that will govern all Actions, but have not yet reached agreement.

6. To allow for further discussions regarding a proposal for deposition discovery across the 11 Actions, MassMutual and Defendants agree, subject to the Court's approval, to extend the stipulated deadline for filing their joint proposal for deposition discovery in this action by two weeks, to May 17, 2013. All other remaining dates in the stipulated schedule set forth in the Joint Motion shall remain in place, subject to the Court's approval.

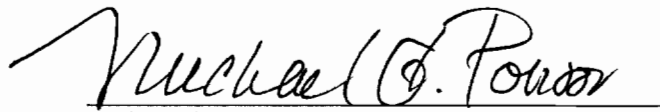
7. No date in any scheduling order entered in any of the other MassMutual actions (the Actions pending before Magistrate Judge Neiman and the 215 Action) will be affected by this Stipulation.

IT IS HEREBY STIPULATED AND AGREED by and between MassMutual and Defendants, through their undersigned counsel, subject to the approval of the Court, that the June 27, 2012 Scheduling Order will be modified as follows:

1. Assuming agreement can be reached, a joint proposal for deposition discovery will be filed by May 17, 2013. If the parties are unable to reach agreement, they will file their respective positions on disputed issues by May 20, 2013.
2. The remaining dates in the June 27, 2012 Scheduling Order shall be modified as stipulated in the Joint Motion for the reasons set forth therein:
  - a. Document discovery will be substantially completed by June 28, 2013.
  - b. Non-expert depositions will be completed by December 27, 2013.
  - c. Plaintiff's affirmative expert reports will be due by January 31, 2014.
  - d. Defendants' expert reports will be due by May 16, 2014.
  - e. Plaintiff's rebuttal expert reports will be due by June 27, 2014.
  - f. Expert discovery will be completed and all discovery will close by August 29, 2014.
  - g. Motions for summary judgment will be filed by October 24, 2014 and opposed by November 21, 2014. Reply briefs, if necessary, may be filed by December 19, 2014.

IT IS SO ORDERED.

Dated: May 6, 2013

  
Michael A. Ponsor  
United States District Judge

Dated: May 3, 2013

Respectfully Submitted,

MASSACHUSETTS MUTUAL LIFE INSURANCE  
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**CERTIFICATE OF SERVICE**

I hereby certify that this document, filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on this 3rd day of May, 2013.

*/s/ John J. Egan*

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John J. Egan, Esq.